

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ESTEBAN POLONSKI, et al.,)	
)	
Plaintiff(s),)	No. C09-0038 BZ
)	
v.)	
)	
WASHINGTON MUTUAL BANK, et)	ORDER GRANTING MOTION FOR
al.,)	JUDGMENT ON THE PLEADINGS
)	
Defendant(s).)	
_____)	

IT IS HEREBY ORDERED as follows:

1. The motion of defendant J.P. Morgan Chase Bank for judgment on the pleadings is **GRANTED**. Having taken judicial notice of the purchase and assumption agreement between the FDIC and J.P. Morgan, I find that J.P. Morgan did not assume any of the claims against Washington Mutual which plaintiff has alleged in her amended complaint.

2. As early as April 20, 2009, with the filing of document 22, plaintiff was advised that Washington Mutual was in Receivership, that the FDIC was appointed Receiver and that a claims process had been established for filing claims against the Receiver. In court, plaintiff admitted that she

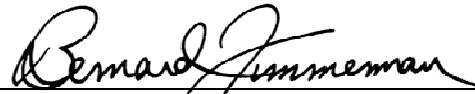
1 had not followed the statutory claims process. Under the
2 circumstances, this Court does not have jurisdiction over the
3 FDIC as Receiver. See 12 U.S.C. § 1821(d)(6)(A).

4 Accordingly, to the extent that plaintiff has alleged claims
5 against Washington Mutual Bank which are now the
6 responsibility of the Receiver, those claims are **DISMISSED**.

7 All future court dates are **VACATED**.

8 3. During argument, plaintiff stated that she was trying
9 to work out a resolution with J.P. Morgan. The parties remain
10 free to resolve their differences.

11 Dated: December 17, 2009



Bernard Zimmerman
United States Magistrate Judge

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